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In re Application of	:	
KASPER, Dirk et al.	:	
Application No.: 10/088,990	:	DECISION ON
PCT Application No.: PCT/EP00/09011	:	
International Filing Date: 15 September 2000	:	PETITION
Priority Date: 24 September 1999	:	
Attorney Docket No.: H 4097 PCT/US	:	UNDER 37 CFR 1.137(b)
For: THIN DIRT-REPELLING COATINGS	:	

Applicant's "Petition to Revive Abandoned International Application" filed in the United States Patent and Trademark Office on 01 August 2003 is **DISMISSED**.

BACKGROUND

On 15 September 2000, applicant filed international application PCT/EP00/09011, which claimed a priority date of 24 September 1999. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 April 2001. A demand for international preliminary examination was filed on 22 February 2001, prior to the expiration of nineteen months from the priority date. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 25 March 2002 (24 March 2002 was a Sunday).

On 25 March 2002, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee.

On 29 May 2002, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 01 August 2003, applicant filed a petition to revive.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed

response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

The petition fee will be charged to deposit account 01-1250, as authorized. A terminal disclaimer is not required as application was filed on or after 08 June 1995.

Applicant's statement that the delay in entering the national stage past 25 March 2002 was unintentional does not satisfy the requirements of 37 CFR 1.137(b)(3). Applicant timely entered the national stage on 25 March 2002. The application went abandoned for failure to timely furnish a declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration. The proper reply, an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration have not been furnished.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)."

The application remains **ABANDONED**.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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